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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,779	03/25/2004	Jae-Shik Kim	678-1193 (P11061)	5885
28249	7590	05/19/2005	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			JACKSON, ANDRE L	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/808,779

Applicant(s)

KIM, JAE-SHIK

Examiner

Andre' L. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,11-15 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 3-10,16-20 and 24-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/6/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 11-15 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by USPAP 2004/0141287 to Kim et al. Kim et al discloses a rotary type hinge device useable with a portable wireless terminal comprising;

a first rotation axis (A1) for opening and closing a folder (301) with respect to a terminal body (302) and a second rotation axis (A2) extending perpendicular to the first rotation axis and adapted to rotate relative to the first rotation axis, the hinge device being adapted to rotate the folder about the second rotation axis in a state wherein the folder and the terminal body are opened; a first hinge housing (101) coupled to the terminal body to rotate about the first rotation axis, the first hinge housing being formed with a fixing portion (103) at its inner peripheral surface defining a fixing groove (132) surrounded by ribs (131) and an opening (111) adapted to expose the fixing portion in a direction of the second rotation axis; a main shaft (102) provided at

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one end with a fixing end (122) having a shape corresponding to the fixing portion, the main shaft extending in the direction of the second rotation axis and being adapted to protrude outwardly through the opening of the first hinge housing at its other end thereof; and a second hinge housing (105) rotatably coupled to the other end of the main shaft protruding outwardly from the first hinge housing and adapted to rotate about the second rotation axis, the second hinge housing being fixed to the folder.

As to claims 2, 11, 22 and 23, Kim et al discloses that the main shaft is adapted to penetrate a lower end surface toward an upper end surface of a central section of the second hinge housing with a protruding end (124.) The protruded end of the main shaft is fastened into a rectangular ring (151) disposed between a pair of arms (152) defining fastening holes (155) at opposite ends thereof. A first guide rail (133) defining a slit is associated with the first hinge housing extending in a direction of the second rotation axis at one side of the fixing groove. A guide groove (134) is formed along the direction of the second rotation axis at a side surface facing the guide rail. A second guide rail (123) of the main shaft is adapted to be inserted through the guide groove.

As to claims 12 and 14, Kim et al discloses that the rotary hinge device further includes a hinge module (107, 108, 202, 201) received within one side (114b) of the first hinge housing providing a bias rotating force of the folder relative to the body. And a flexible circuit (209) extends longitudinally along and wound about the main shaft and enters the first hinge housing through a slit or opening (117).

Allowable Subject Matter

Claims 3-10, 16-20 and 24-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Additional references are cited on the PTO 892 form but were not used to determine patentability of this application instead the references gave background information on multi-axial hinge devices useable with folding electronic apparatuses.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067.


The examiner can normally be reached on Mon. - Fri. (9:30 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALJ

André L. Jackson
Patent Examiner
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ROBERT J. SANDY
PRIMARY EXAMINER